

FIRST REGULAR SESSION

# HOUSE BILL NO. 807

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MATHEWS.

0675H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 324, RSMo, by adding thereto nine new sections relating to the statewide licensure of electrical contractors, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto nine new sections, to be known as sections 324.900, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935, 324.940, and 324.945, to read as follows:

**324.900. As used in sections 324.900 to 324.945, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(2) "Division", the division of professional registration within the department of insurance, financial institutions and professional registration;

(3) "Electrical contracting", engaging in the business of installing, erecting, or maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components, regardless of voltage, that are used for generation, transmission, and utilization of electricity;

(4) "Electrical contractor", a person engaged in electrical contracting;

(5) "Local license", a valid license issued by a political subdivision. Holders of such a license are limited to practice within the political subdivision issuing the license or in a political subdivision that does not require a license;

(6) "Person", an individual, corporation, partnership, association, or other legal entity;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (7) "Statewide license", a valid license issued or recognized by the division that  
18 allows the licensee to practice in any jurisdiction regardless of local licensing requirements.

          324.910. 1. The division shall adopt, implement, rescind, amend, and administer  
2 such rules as may be necessary to carry out the provisions of sections 324.900 to 324.945.  
3 The division may promulgate necessary rules compatible with sections 324.900 to 324.945  
4 including, but not limited to, rules relating to professional conduct, continuing competency  
5 requirements for the renewal of licenses, approval of continuing competency programs,  
6 and the establishment of ethical standards of practice for persons holding a license under  
7 sections 324.900 to 324.945. Any rule or portion of a rule, as that term is defined in section  
8 536.010 that is created under the authority delegated in this section shall become effective  
9 only if it complies with and is subject to all of the provisions of chapter 536, and, if  
10 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
11 powers vested with the general assembly pursuant to chapter 536, to review, to delay the  
12 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
13 then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
14 2017, shall be invalid and void.

15           2. For the purpose of sections 324.900 to 324.945, the division shall:

16           (1) Employ, within the limits of the appropriations for such purpose, employees as  
17 are necessary to carry out the provisions of sections 324.900 to 324.945;

18           (2) Exercise all administrative functions;

19           (3) Establish all applicable fees, set at an amount which shall not substantially  
20 exceed the cost of administering sections 324.900 to 324.945;

21           (4) Deposit all fees collected under sections 324.900 to 324.945, by transmitting such  
22 funds to the department of revenue for deposit to the state treasury to the credit of the  
23 Missouri electrical industry licensing fund; and

24           (5) Approve or disapprove certifying entities for professions within the electrical  
25 industry included in the scope of sections 324.900 to 324.945.

26           3. The division may terminate recognition of any certifying entity included in the  
27 scope of sections 324.900 to 324.945 following a subsequent review of the certification or  
28 registration procedures of that certifying entity.

          324.915. Sections 324.900 to 324.945 shall not apply to work done by:

2           (1) Any employee of an electric utility, a gas corporation as defined in section  
3 386.020, or a water corporation as defined in section 386.020;

4           (2) A railroad corporation;

5           (3) A contractor who services the construction and maintenance of power lines or  
6 substations of an electric utility corporation, a municipal utility, a rural electric

7 cooperative, or a telecommunications company as defined in section 386.020, when engaged  
8 in work of the utility;

9 (4) A federally licensed radio or television broadcast station or a commercial mobile  
10 radio service provider licensed by the Federal Communications Commission under the  
11 commercial mobile radio services rules and regulations;

12 (5) A private broadcast engineering contractor possessing a valid Society of  
13 Broadcast Engineers certification; or

14 (6) A contractor who is engaged in the design, installation, erection, repair,  
15 maintenance, or alteration of class two or class three remote control, signalling, or  
16 powerlimited circuits, optical fiber cables or other cabling, or communications circuits,  
17 including raceways, as defined in the National Electrical Code for voice, video, audio, and  
18 data signals in residential or commercial premises.

324.920. 1. The applicant for a statewide electrical contractor's license shall satisfy  
2 the following requirements:

3 (1) Be at least twenty-one years of age and is authorized under federal law to work  
4 in the United States;

5 (2) Provide proof of liability insurance in the amount of five hundred thousand  
6 dollars and post a bond with each political subdivision in which he or she will perform  
7 work, as required by that political subdivision;

8 (3) Pass a standardized and nationally accredited electrical assessment examination  
9 that has been created and administered by a third party and that meets current national  
10 industry standards, as determined by the division;

11 (4) Pay for the costs of such examination; and

12 (5) Have completed one of the following:

13 (a) Twelve thousand verifiable practical hours installing equipment and associated  
14 wiring;

15 (b) Ten thousand verifiable practical hours installing equipment and associated  
16 wiring and have received an electrical journeyman certificate from a United States  
17 Department of Labor-approved electrical apprenticeship program;

18 (c) Eight thousand verifiable practical hours installing equipment and associated  
19 wiring and have received an associate's degree from a state-accredited program; or

20 (d) Four thousand verifiable practical hours supervising the installation of  
21 equipment and associated wiring and have received a four-year electrical engineering  
22 degree.

23 2. Electrical contractors who hold an electrical contractor license in good standing  
24 that was issued by any authority in this state that required, prior to January 1, 2017, the

25 passing of a written examination and who have completed twelve thousand hours of  
26 verifiable practical experience shall be issued a statewide  
27 license.

28       3. Each corporation, firm, institution, organization, company, or representative  
29 thereof engaging in electrical contracting shall have in its employ, at a supervisory level,  
30 at least one electrical contractor who possesses a statewide license in accordance with  
31 sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only  
32 one firm, company, corporation, institution, or organization at one time.

33       4. Any person operating as an electrical contractor in a political subdivision that  
34 does not require the contractor to hold a local license shall not be required to possess a  
35 statewide license under sections 324.900 to 324.945 to continue to operate as an electrical  
36 contractor in such political subdivision.

37       5. The division may negotiate reciprocal agreements with other states, the District  
38 of Columbia, or territories of the  
39 United States which require standards for licensure, registration, or certification  
40 considered to be equivalent or more stringent than the requirements for licensure under  
41 sections 324.900 to 324.945.

      324.925. 1. Political subdivisions shall not be prohibited from establishing their  
2 own local electrical contractor's license, but shall recognize a statewide license in lieu of a  
3 local license for the purposes of performing contracting work or obtaining permits to  
4 perform work within such political subdivision.

5       2. If a political subdivision does not recognize a statewide license in lieu of a local  
6 license for the purposes of performing contracting work or obtaining permits to perform  
7 work within the political subdivision, then a statewide licensee may file a complaint with  
8 the division. The division shall perform an investigation into the complaint, and if the  
9 division finds that the political subdivision failed to recognize a statewide license in  
10 accordance with this section, then the division shall notify the political subdivision that the  
11 political subdivision has violated the provisions of this section and has thirty days to  
12 comply with the law. If after thirty days the political subdivision does not recognize a  
13 statewide license, then the division shall notify the director of the department of revenue  
14 who shall withhold any moneys the noncompliant political subdivision would otherwise be  
15 entitled to from local sales tax as defined in section 32.085 until the director has received  
16 notice from the division that the political subdivision is in compliance with this section.  
17 Upon the political subdivision coming into compliance with the provisions of this section,  
18 the division shall notify the director of the department of revenue who shall disburse all  
19 funds held under this subsection. Moneys held by the director of the department of

20 revenue under this subsection shall not be deemed to be state funds and shall not be  
21 commingled with any funds of the state.

324.930. There is hereby created in the state treasury the "Missouri Electrical  
2 Industry Licensing Fund", which shall consist of moneys collected under sections 324.900  
3 to 324.945. The state treasurer shall be custodian of the fund and may approve  
4 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon  
5 appropriation, moneys in the fund shall be used solely for the administration of sections  
6 324.900 to 324.945. Notwithstanding the provisions of section 33.080 to the contrary, any  
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of  
8 the general revenue fund. The state treasurer shall invest moneys in the fund in the same  
9 manner as other funds are invested. Any interest and moneys earned on such investments  
10 shall be credited to the fund.

324.935. 1. The division shall mail a renewal notice to the last known address of  
2 each person licensed under sections 324.900 to 324.945 prior to the renewal date. Failure  
3 to provide the division with the information required for renewal or to pay the required  
4 fee after such notice shall result in the license being declared inactive. The licensee shall  
5 not practice until he or she applies for reinstatement and pays the required fees. The  
6 license shall be restored if the application for reinstatement is received within two years  
7 of the renewal date.

8 2. Upon request, the division may grant inactive status to a licensee if the person:  
9 (1) Does not hold himself or herself out as possessing a license required under  
10 sections 324.900 to 324.945 in this state; and

11 (2) Does not maintain any continuing competency requirements established by the  
12 division.

13 3. If an electrical contractor transfers employment from one company to another,  
14 all permits on the contractor's license shall first be cleared. It is the responsibility of the  
15 contractor to notify the division of the contractor's intent to transfer employment and any  
16 current active permits on the contractor's license when transferring employment. Upon  
17 such notification, the division shall notify all affected political subdivisions via electronic  
18 communication of the contractor's status. It shall be assumed all permits are cleared if no  
19 response is given otherwise by affected political subdivisions within seventy-two hours of  
20 the notification.

324.940. 1. The division may refuse to issue or renew or may suspend any license  
2 required under sections 324.900 to 324.945 for one or any combination of causes stated in  
3 subsection 4 of this section. The division shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
5 administrative hearing commission as provided by chapter 621.

6           2. The division shall publish via electronic media and update on a weekly basis a  
7 list of valid statewide license holders, a list of current enforcement actions against license  
8 holders and the procedures for filing grievances against licensees.

9           3. The permitting authority of each political subdivision may suspend a  
10 contractor's work in that political subdivision for a period of up to thirty days while a  
11 complaint is being forwarded by the permitting authority to the division for adjudication.

12           4. The division may cause a complaint to be filed with the administrative hearing  
13 commission as provided by chapter 621 against any holder of any license required by  
14 sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his  
15 or her license for any one or any combination of the following causes:

16           (1) Use or unlawful possession of any controlled substance, as defined in chapter  
17 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform  
18 the work of an electrical contractor;

19           (2) The final adjudication and finding of guilty, or the entering of a plea of guilty  
20 or nolo contendere, in a criminal prosecution under the laws of any state or of the United  
21 States, for any offense reasonably related to the qualifications, functions, or duties of any  
22 profession licensed or regulated by sections 324.900 to 324.945, for any offense an essential  
23 element of which is fraud, dishonesty, or an act of violence or for any offense involving  
24 moral turpitude, whether or not sentence is imposed;

25           (3) Use of fraud, deception, misrepresentation, or bribery in securing any license  
26 issued under sections 324.900 to 324.945 or in obtaining permission to take any  
27 examination given or required under sections 324.900 to 324.945;

28           (4) Obtaining or attempting to obtain any fee, charge, tuition, or other  
29 compensation by fraud, deception, or misrepresentation;

30           (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or  
31 dishonesty in the performance of the functions and duties of any profession licensed or  
32 regulated by sections 324.900 to 324.945;

33           (6) Violation of, or assisting or enabling any person to violate, any provision of  
34 sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

35           (7) Impersonation of any person holding a license or allowing any person to use his  
36 or her license;

37           (8) Disciplinary action against the holder of a license or other right to practice any  
38 profession regulated by sections 324.900 to 324.945 granted by another state, territory,  
39 federal agency, or country upon grounds for which revocation or suspension is authorized  
40 in this state;

41           (9) Final adjudication of a person as insane or incompetent by a court of competent  
42 jurisdiction;

43           (10) Assisting or enabling any person to practice or offer to practice electrical  
44 contracting where a license is required who is not himself or herself licensed to practice  
45 under sections 324.900 to 324.945 or the political subdivision where the work is being  
46 performed;

47           (11) Issuance of a certificate of registration or authority, permit, or license based  
48 upon a material mistake of fact;

49           (12) Violation of any professional trust or confidence;

50           (13) Use of any advertisement or solicitation which is false, misleading, or deceptive  
51 to the general public or persons to whom the advertisement or solicitation is primarily  
52 directed;

53           (14) Unethical conduct as defined in the ethical standards adopted by the division  
54 and filed with the secretary of state; or

55           (15) Violation of the drug laws or rules of this state, any other state, or the federal  
56 government.

57           5. After the filing of such complaint, the proceedings shall be conducted in  
58 accordance with the provisions of chapter 621. Upon a finding by the administrative  
59 hearing commission that the grounds provided in subsection 4 of this section for  
60 disciplinary action are met, the division may, singly or in combination, censure or place the  
61 person named in the complaint on probation with such terms and conditions as the division  
62 deems appropriate for a period not to exceed five years, or may suspend, for a period not  
63 to exceed three years, or revoke the license, certificate, or permit.

64           6. An individual whose license has been revoked shall wait at least one year from  
65 the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the  
66 division after compliance with all requirements of sections 324.900 to 324.945 relative to  
67 the previous licensing of the applicant.

          324.945. 1. Any person that knowingly violates any provision of sections 324.900  
2 to 324.945 is guilty of a class B misdemeanor.

3           2. Any officer or agent of a corporation or member or agent of a partnership or  
4 association who knowingly and personally participates in or is an accessory to any  
5 violation of sections 324.900 to 324.945 is guilty of a class B misdemeanor.

6           3. The division may cause a complaint to be filed for any violation of sections  
7 324.900 to 324.945 in any court of competent jurisdiction and perform such other acts as  
8 may be necessary to enforce the provisions of sections 324.900 to 324.945.

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